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23334 7590 02/09/2007		EXAMINER
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L.		LOVEL, KIMBERLY M
ONE BOCA COMMERCE CENTER	ART UNIT	PAPER NUMBER
551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487	2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to the Amendment filed 15 November 2006.

2.   Claims 1-20 are pending in this application. Claims 1, 9 and 17 are independent.

In the Amendment filed 15 November 2006, claims 1, 9 and 17 have been amended.

This action is made Final.

3.   The rejections of claims 1, 2, 5-10 and 13-18 as being anticipated by US PGPub

2003/0204517 to Skinner et al and of claims 3-4, 11-12 and 19-20 being unpatentable

over US PGPub 2003/0204517 to Skinner et al in view of US PGPub 2001/0034771 to

Hutsch et al have been maintained.

Claim Objections

4.   **Claims 1, 11 and 17** are objected to because the claims recite "and/or." This

limitation renders the metes and bounds of the claim unclear.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5.   The rejection of **claim 12** under 35 USC § 112, second paragraph, has been

withdrawn as necessitated by amendment.

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

7.   **Claim 17** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to describe the limitation "a tangible storage medium." It is

suggested that the term "tangible" be deleted from the claim language.

     Claims 18-20 are dependent on the computer system of claim 17, and therefore

are rejected on the same grounds as claim 17.

     To allow for compact prosecution, the examiner will apply prior art to these

claims as best understood, with the assumption that applicant will amend to overcome

the stated 112 rejections.

Claim Rejections - 35 USC § 101

8.   The rejections of **claims 17-20** under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter have been withdrawn as

necessitated by amendment.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

    A person shall be entitled to a patent unless –

    (e) the invention was described in (1) an application for patent, published under section 122(b), by
    another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

10.   Claims 1, 2, 5-10 and 13-18 are rejected under 35 U.S.C. 102(e) as being

anticipated by US PGPub 2003/0204517 to Skinner et al (hereafter Skinner et al).

Referring to claim 1, Skinner et al disclose a method for managing configuration

data, the method comprising the steps of:

storing a plurality of configuration values [data objects] in a hierarchical tree

having a plurality of nodes (see Fig 5B), a defined structure [schema] (see [0122]-

[0123]), and defined data types (see [0045]-[0047]) for the stored configuration values,

wherein each node is associated with at least one of the configuration values (see

[0061]), and each of the configuration values dictates how an application component

associated with that configuration value behaves and/or interacts with other application

components [the data objects contain attributes (variables), metadata attributes and

values; since the values are located in a hierarchical tree, if a component registers to

receive notification of a change to that variable, this is considered to represent the

interaction] (see [0061]);

registering at least one application component with at least one of the nodes of

the tree [registering interested components for each interest object in the hierarchy]

(see [0014], lines 5-8 and [0057], lines 1-3), based on at least one query received from

the at least one application component (see [0059], lines 6-11); and

notifying the at least one application component when a configuration value

associated with the at least one node is modified, based on an addition or change in at

least one configuration value (see [0057], lines 3-10 – the application component is

notified whenever the data objects associated with the specified interest undergo

modification) that matches the at least one query (see [0059], lines 6-11).

Referring to claim 2, Skinner et al disclose the method of claim 1, wherein the

at least one query depends on at least one of a location of a configuration value in the

tree and a data type of a configuration value (see [0047]; [0059] and [0064] – the query

accesses a particular object; the objects are located in a hierarchal tree and are defined

by classes).

Referring to claim 5, Skinner et al disclose the method of claim 1, wherein a

node further includes a reference to at least one node (see [0077] – each of the

LiveObjectInterest and LiveSet reference the root node since they are registered to the

root node).

Referring to claim 6, Skinner et al disclose the method of claim 1, wherein the

notifying step comprises:

modifying at least one configuration value (see [0058], line 3);

storing in the hierarchical tree the configuration value that was modified (see

[0066], lines 1-5); and

notifying the at least one application component that the configuration value was

modified (see [0058], lines 7-9).

Referring to claim 7, Skinner et al disclose the method of claim 6, further

comprising the step of supplying the configuration value that was modified to the at least

one application component (see [0066], lines 10-18 – the observer ascertains the

updates).

Referring to claim 8, Skinner et al disclose the method of claim 1, further

comprising the step of supplying at least one of the configuration values stored in the

hierarchical tree to the at least one application component (see [0066], lines 10-18 – the

observer ascertains the updates).

Referring to claim 9, Skinner et al disclose a computer program product (see

[0027], lines 1-4) for managing configuration data, the computer program product

comprising:

a storage medium readable by a processing circuit and storing instructions for

execution by the processing circuit for performing a method (see [0034]) comprising the

steps of:

storing a plurality of configuration values [data objects] in a hierarchical

tree having a plurality of nodes (see Fig 5B), a defined structure [schema] (see

[0122]-[0123]), and defined data types (see [0045]-[0047]) for the stored

configuration values, wherein each node is associated with at least one of the

configuration values (see [0061]), and each of the configuration values dictates

how an application component associated with that configuration value behaves

and/or interacts with other application components [the data objects contain

attributes (variables), metadata attributes and values; since the values are

located in a hierarchical tree, if a component registers to receive notification of a

change to that variable, this is considered to represent the interaction] (see

[0061]);

registering at least one application component with at least one of the

nodes of the tree []registering interested components for each interest object in

the hierarchy] (see [0014], lines 5-8 and [0057], lines 1-3), based on at least one

query received from the at least one application component (see [0059], lines 6-

11); and

notifying the at least one application component when a configuration

value associated with the at least one of the plurality of nodes is modified, based

on an addition or change in at least one configuration value that matches the at

least one query (see [0057], lines 3-10 – the application component is notified

whenever the data objects associated with the specified interest undergo

modification) that matches the at least one query (see [0059], lines 6-11).

Referring to claims 10 and 13-16, the claims are dependent on the computer

program product for managing configuration data of claim 9. Therefore, claims 10 and

13-16 are respectively rejected on the same grounds as claims 2 and 5-8, which are

dependent on the method for managing configuration data of claim 1.

Referring to claim 17, Skinner et al disclose a computer system (see [0035]) for

managing configuration data, the computer system comprising:

an organization module (see [0048], lines 1-3) for organizing a plurality of

configuration values [data objects] into a hierarchical tree having a plurality of nodes

(see Fig 5B), a defined structure [schema] (see [0122]-[0123]), and defined data types

(see [0045]-[0047]) for the stored configuration values, wherein each node is associated with at least one of the configuration values (see [0014]);

a tangible storage medium for storing the plurality of configuration values in the hierarchical tree (see [0028], lines 1-7 – the computer), each of the configuration values dictating how an application component associated with that configuration value behaves and/or interacts with other application components [the data objects contain attributes (variables), metadata attributes and values; since the values are located in a hierarchical tree, if a component registers to receive notification of a change to that variable, this is considered to represent the interaction] (see [0061]);

a registration module (see [0048], lines 1-3) for registering at least one application component with at least one of the nodes of the tree [registering interested components for each interest object in the hierarchy] (see [0014], lines 5-8 and [0057], lines 1-3), based on at least one query received from the at least one application component (see [0059], lines 6-11); and

a notification module (see [0048], lines 1-3) for notifying the at least one application component when a configuration value associated with the at least one node is modified, based on an addition or change in at least one configuration value that matches the at least one query (see [0057], lines 3-10 – the application component is notified whenever the data objects associated with the specified interest undergo modification) that matches the at least one query (see [0059], lines 6-11).

Referring to claim 18, the claim is dependent on the computer system for managing configuration data of claim 17. Therefore, claim 18 is rejected on the same

grounds as claim 2, which is dependent on the method for managing configuration data

of claim 1.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

12.   **Claims 3-4, 11-12 and 19-20 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over US PGPub 2003/0204517 to Skinner et al as applied

respectively to claims 1, 9 and 17 above, and further in view of US PGPub

2001/0034771 to Hutsch et al (hereafter Hutsch et al).

Referring to claim 3, Skinner et al disclose a hierarchal tree. However, Skinner

et al fail to explicitly disclose wherein the hierarchical tree is an Extensible Markup

Language (XML) tree, and an XML schema describes the structure of the XML tree and

the data types that are stored. Hutsch et al disclose configuration management using a

hierarchal tree (see [0346] and Fig 15). In particular, Hutsch et al disclose wherein the

hierarchical tree is an Extensible Markup Language (XML) tree, and an XML schema

describes the structure of the XML tree and the data types that are stored (see [0267]

and [0418]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to the Hutsch et al's feature of an xml tree to replace the tree of

Skinner et al. One would have been motivated to do so since XML provides an

increased ability to accurately capture the structure of the data.

Referring to claim 4, Skinner et al disclose an application component.

However, Skinner et al fail to explicitly disclose the further limitation wherein the at least

one application component comprises a plurality of components of an email application.

Hutsch et al disclose a hierarchical repository for configuration-related and

performance-related information related to computerized systems. In particular, Hutsch

et al disclose wherein the at least one application component comprises a plurality of

components of an email application (see [0091] and [0316]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the method of Skinner et al for managing configuration data

to manage the components of email application as discussed by Hutsch et al. One

would have been motivated to do so since email is a widely used application.

Referring to claim 11, the claim is dependent on the computer program product for managing configuration data of claim 9. Therefore, claim 11 is rejected on the same grounds as claim 3, which is dependent on the method for managing configuration data of claim 1.

Referring to claim 12, the claim is dependent on the computer program product for managing configuration data of claim 9. Therefore, claim 12 is rejected on the same grounds as claim 4, which is dependent on the method for managing configuration data of claim 1.

Referring to claim 19, the claim is dependent on the computer system for managing configuration data of claim 17. Therefore, claim 19 is rejected on the same grounds as claim 3, which is dependent on the method for managing configuration data of claim 1.

Referring to claim 20, the claim is dependent on the computer system for managing configuration data of claim 17. Therefore, claim 20 is rejected on the same grounds as claim 4, which is dependent on the method for managing configuration data of claim 1.

Response to Arguments

13.   Applicant's arguments filed 15 November 2006 have been fully considered but

they are not persuasive.

14.   In regards to applicants' arguments on page 9 referring to the prior art rejection

of claim 1, applicants state: Configuration data includes a plurality of configuration

values, such as data associated data associated with any of: user login information, an

email application, an instant messaging application, a word processing application, a

spreadsheet application, and image processing application or the like. Thus,

"configuration data," at least as used in the context of the present invention, is very

different than the "interest objects" that are used in the system of Skinner.

        The examiner respectfully disagrees. This definition of configuration values is

not considered to be explicit since the definition reads "configuration data includes a

plurality of configuration values, such as data associated with any of ...". In [0035],

lines 1-4 of Applicants' specification, an example is given for the configuration value

'Properties/User Settings/User Data/Current User/Reply To Address' which is originally

set to 'default@example.com'. Skinner's data objects contain variables and values (see

[0061]). When relating the configuration value to a data object, 'Properties/User

Settings/User Data/Current User/Reply To Address' is considered to represent the

variable and 'default@example.com' is considered to represent the value.

15.   In regards to applicants' arguments on page 9, referring to claim 1, Applicants

argue: "Skinner only teaches creating a hierarchy of interested objects and does not

teach or suggest that the data is to be monitored for changes. See Skinner at Abstract;

paragraphs 0071-0084; Figs 5A and 5B."

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., the data is to be monitored for changes) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

The claim limitation states "notifying the at least one application component when

a configuration value associated with the at least one node is modified, based on an

addition or change in at least one configuration value." As mentioned previously in the

prior art rejection, Skinner teaches notifying the at least one application component

when a configuration value [data object] associated with the at least one node is

modified, based on an addition or change in at least one configuration value (see

[0057], lines 3-10) that matches the at least one query (see [0059], lines 6-11).

However, the examiner respectfully disagrees that Skinner fails to teach

monitoring the data for changes. Skinner teaches "Notification may be performed by an

update management component working in association with a change management

component to **detect when changes are made**" (see [0059]).

Conclusion

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
Art Unit 2167

1 February 2007
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